

ORIGINAL

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ATTORNEYS FOR THE CITY OF POCATELLO

RECEIVED
OCT 03 2008
DEPARTMENT OF
WATER RESOURCES

BEFORE DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

IN THE MATTER OF THE
PETITION FOR DELIVERY CALL
OF A&B IRRIGATION DISTRICT
FOR THE DELIVERY OF GROUND
WATER AND FOR THE CREATION
OF A GROUND WATER
MANAGEMENT AREA

Docket No.: 37-03-11-1

**NOTICE OF TAKING
DEPOSITION DUCES TECUM OF
KEN KOSTKA**

TO: KEN KOSTKA

PLEASE TAKE NOTICE that counsel for the IDAHO GROUND WATER APPROPRIATORS, INC. and the CITY OF POCATELLO will take the testimony on oral examination of KEN KOSTKA pursuant to Rule 30 and applicable rules of the Idaho Rules of Civil Procedure. The deposition will take place before a court reporter and Notary Public with

the firm of M & M Court Reporting Service or other duly qualified person in the above-captioned matter. Said deposition will commence at the hour of **9:00 a.m. on October 28, 2008** and continuing until completion, at the offices of **Barker, Rosholt & Simpson, LLP**, 113 Main Avenue W., Suite 303, Twin Falls, ID 83303-0485 at which time and place you are notified to appear and take part in such examination.

Pursuant to Idaho Rules of Civil Procedure 26, 30(b) (5), and 34, you are further instructed to bring to the deposition the following materials:

(1) Please produce all documents, records, reports, notes, calendars, memoranda, letters, whether written or electronic, that relate to or were relied upon in your answer(s) to the Interrogatories Nos. 14 – 21 served in this matter on or about October 1, 2008.

(2) All documents, claims or other data submitted by you for all farming activities on the above identified farms or parcels to the Farm Services Agency, the Federal Crop Insurance Corporation or other entity, over the last 20 years that reflect crop type and yield.

(3) All documents that support the statement made in A&B's lay witness disclosure that states you will testify regarding "impacts to his operations due to reduced water supplies on farms."

(4) All documents and records you maintain that show the amount of water ordered by you and delivered and charged by A&B for the past twenty (20) years. Such documents may include notes, calendars, diaries, receipts or other records maintained that reflect water deliveries or charges.

(5) All reports, records or receipts for the past twenty (20) years that indicate crop yield or production given to you by any purchasers or warehouses for your crops including but not limited to any such documentation provided to you from Amalgamated Sugar Company.

(6) Copies of any notes, emails or other written material in your possession of conversations with representatives of A&B Irrigation District, their expert witnesses or attorneys.

(7) Copies of all documents or written material you reviewed in preparation for this deposition.

(8) Map of your farm showing parcels irrigated for the past twenty (20) years.

(9) Any A&B newsletters and other correspondence from A&B in your possession for the past twenty (20) years.

DATED this 3rd day of October, 2008.

RACINE OLSON NYE BUDGE
& BAILEY, CHARTERED


CANDICE M. MCHUGH
Attorneys for Idaho Ground Water Appropriators

CERTIFICATE OF MAILING

I hereby certify that on this 3rd day of October, 2008, the above and foregoing, was sent to the following by U.S. Mail proper postage prepaid and by email for those with listed email addresses:


Candice McHugh

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